



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPEAL NO:

In Re Application of: Aihara, et al.

Serial No: 09/059,611

Filed: April 13, 1998

For: METHOD AND SYSTEM FOR PRODUCING AN INTERNET
PAGE DESCRIPTION FILE ON A DIGITAL IMAGING DEVICE

APPELLANT'S BRIEF

~~09/21/2000 HAMMOND 00000048 09059611~~

01 FC:120

~~300.00 OP~~

Stephen G. Sullivan
Attorney for Appellants
FlashPoint Technology, Inc.
Sawyer Law Group LLP
2465 E. Bayshore Road, Suite 406
Palo Alto, CA 94303



TOPICAL INDEX

I.	REAL PARTY IN INTEREST	1
II.	RELATED APPEALS AND INTERFERENCES	1
III.	STATUS OF CLAIMS.....	2
IV.	IV. STATUS OF AMENDMENT.....	2
V.	SUMMARY OF THE INVENTION	2
VI.	ISSUES.....	4
VII.	GROUPING OF CLAIMS	4
VIII.	ARGUMENTS	4
	A. Summary of the Applied Rejections	4
	B. The Cited Prior Art	5
	C. <u>Holzschlag in view of Parulski fail to teach or suggest automatically generating on a hand-held digital camera an HTML file that incorporates images captured by the digital camera; therefore, Claims 1-8 and 10-20 Are Not Unpatentable under 35 USC § 103.</u>	6
	D. Summary of Arguments	8
IX.	APPENDIX A	i



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of: Aihara, et al.

Date: September 12, 2000

Serial No: 09/059,611

Group Art Unit: 2776

Filed: April 13, 1998

Examiner: Hamdan, W.

For: METHOD AND SYSTEM FOR PRODUCING AN INTERNET PAGE
DESCRIPTION FILE ON A DIGITAL IMAGING DEVICE

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

APPELLANT'S BRIEF ON APPEAL

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of 37

C.F.R. § 1.192(c) as follows:

I. REAL PARTY IN INTEREST

Appellant respectfully submits that the above-captioned application is assigned, in its entirety, to FlashPoint Technology, Inc., of San Jose, California.

II. RELATED APPEALS AND INTERFERENCES

Appellant states that, upon information and belief, he is not aware of any co-pending appeal or interference which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-8 and 10-20 are pending and stand rejected. The present application was originally filed with claims 1-20. In an Amendment dated March 15, 2000, claim 9 was canceled, and claims 1-5, 7, 8, 10, 14, 16 and 17 were amended. Claims 1-8 and 10-20 are on appeal and all applied rejections concerning claims 1-8 and 10-20 are herein being appealed.

IV. STATUS OF AMENDMENT

The Supplemental Amendment to the Final Office Action dated June 5, 2000, was not entered in the Advisory Action dated June 26, 2000. Nevertheless, the Advisory Action indicated that the amendments would be entered upon filing of Appellant's Notice of Appeal and Appeal Brief.

V. SUMMARY OF THE INVENTION

The present invention provides a method and system for automatically generating, on a hand held digital camera, a page description file, such as an HTML file, that references images captured by the digital camera. Program instructions executed by the camera direct the camera to display a series of text instructions to the user, such as for example, prompting the user to take a picture, instructing the user to enter any descriptive information regarding a picture, and the like. The program instructions, preferably in the form of a script, also include a set of formatting commands that are adapted to create the page description file (e.g., web page) automatically within the camera. After the file is created, the file may be copied to a PC and viewed by a web browser. Alternatively, the camera may be directly connected to the Internet, where the file is made available for viewing.

Conventionally, HTML files are created on a personal computer (PC) or work station. In order to create an HTML file including images taken with a digital camera, the user must download the picture from the camera to the PC, import the image into an image editing application, import the image into an HTML publishing application, and format an HTML file. Moreover, the user must remember the relevant details about each picture, such as the date, time, and location, because the information pertaining to a certain image is entered while using the HTML publishing application, and not when the pictures are taken. In addition to all of the above, the user is also required to have the requisite skills in operating the image editing application, and operating the HTML publishing application.

The present invention simplifies this process by allowing the digital camera user, having no knowledge of HTML, to create an HTML file automatically in the digital camera. A script, comprising computer readable instructions, directs the digital camera to provide interactive instructions on the camera's LCD display that prompt the user to perform specific operations. For example, the user can be asked to enter descriptive information regarding a picture at the time of capture. In response to the user performing the specific operations, the digital camera automatically updates the interactive instructions, such that the user is guided through a series of steps, such as, for example, taking a series of related image captures and annotating them. The digital camera then automatically generates an HTML file referencing the resulting images, and in one embodiment descriptive information. Once formed, the file can easily be distributed electronically via email, LAN/WANs, or the Internet directly from the digital camera.

VI. ISSUES

The issue presented is:

Whether Claims 1-8 and 10-20 are unpatentable under 35 USC § 103 as obvious in light of Molly E. Holzschlag, Laura Lemay's Guide to Web Site (1997) ("Holzschlag") in view of the Parulski et al. (U.S. patent No. 5,633,678) ("Parulski").

VII. GROUPING OF CLAIMS

Appellant hereby states that Claims 1-8 and 10-20 do not stand or fall together, but rather Claims 1-7 and 14-20 are one group, and Claims 8 and 10-13 are another group. Therefore, Claims 1-8 and 10-20 constitute two (2) separate groups.

VIII. ARGUMENTS

A. Summary of the Applied Rejections

The Office Action dated December 21, 1999, and the Final Office Action dated April 4, 2000, rejected Claims 1-8 and 10-20 under 35 USC § 103 as being unpatentable over Holzschlag in view of the Parulski. The Examiner stated:

With respect to independent claim 1:

Holzschlag disclose[s] a method for generating an Internet page description file including images [citation omitted]. Even though Holzschlag does not explicitly disclose that the image is captured by a digital imaging device having a display and a computer, it is obvious that the image used by Holzschlag teaching needs a digital imaging device having a display and a computer. However, Parulski et al. disclose the image is captured by a digital imaging device having a display and a computer [citation omitted].

Therefore, it would have been obvious to a person having ordinary skill in

the art at the time of the invention was made to include the image captured by a digital imaging device, the digital imaging device having a display and a computer system in the system of Holzschlag.

The skilled person would have been motivated to modify Holzschlag's system by including [a] digital imaging device having a display and a computer because such modifications would enable the user to select a category and download images [citation omitted].

4/4/00 office action, page 3-4. The Examiner repeated this statement in rejecting independent claims 8 and 14.

On June 5, 2000, Appellant submitted amendments under Rule 116 to recite a "hand-held" digital camera. In the subsequent Advisory Action, the Examiner maintained his rejection stating, "[t]he functions of a 'hand-held' device versus non-hand-held devices are similar. The issue of portability in and of itself does not render the claims patentable." 6/26/00 advisory action, page 2.

Appellant respectfully requests that the Board reverse the Examiner's final rejection of Claims 1-8 and 10-20 under 35 USC § 103.

B. The Cited Prior Art

Holzschlag is an article relating to server push animation, which is a technique used to create animation on a web site. Server push animation "combines a technique that is akin to traditional cell animation with CGI (Common Gateway Interface) programming." (Holtzschlag, page 75, col. 1, lines 19-22). An animation script resides either on the web browser or on the web server. Holzschlag teaches creating server push animations by instructing the web designer to "create a series of individual graphics, either GIFs or JPGs." (Page 75, col. 2, lines 25-26). "The next step is to create a list that dictates the order in which these graphics, or cells, will

appear.” (Page 75, col. 2, lines 29-30). “The list and graphics are then placed on the server, and the proper syntax – dictated by the server’s animation script – is dropped into the HTML.” (Page 76, col. 1, lines 1-4). When a web browser calls the server for this information, the graphics cycle through the list order, creating the animation on the browser.

Parulski discloses an electronic camera which “captures images representing a variety of subjects and categorizes the image according to subject matter.” Abstract. The Examiner cited Parulski for disclosing an image captured by digital imaging device having a display and a computer, and stated that “it would have been obvious... to include the image captured by the digital imaging device... in the system of Holzschlag.”

C. Holzschlag in View of Parulski Fails to Teach or Suggest Automatically Generating on a Hand-Held Digital Camera an HTML File That Incorporates Images Captured by the Digital Camera; Therefore, Claims 1-8 and 10-20 Are Unobvious Under 35 USC § 103.

The Examiner asserts that the claimed invention is made obvious by the teachings in Holzschlag in view of Parulski. The Examiner contends that Holzschlag discloses “a method for generating an Internet page description file including images.” Appellant respectfully submits that Holzschlag in view of Parulski describes a method for creating animation on a website utilizing images captured by a digital camera. It does not teach or suggest a method for enabling a user to create an Internet page description file *automatically* by following a series of prompts and instructions on a digital camera.

An important objective of the present invention is to provide a process which is intuitive and user friendly, such that a user having no knowledge of HTML or web page design can create an HTML file referencing images captured on a digital camera. As stated in Applicant's Background of the Invention, the difficulty of creating an HTML file incorporating the images

taken with the digital camera, is that the user must perform a series of cumbersome manual steps. For instance, the user must 1) take the pictures, 2) transfer the pictures from the camera to a PC, 3) import the image into an image editing application, 4) import the image into an HTML publishing application, and 5) format an HTML file. If the user wishes to include information pertaining to an image, the user must remember the relevant details about that picture or have previously taken notes regarding that picture elsewhere because the information pertaining to that image is entered while using the HTML publishing application, not when the picture was taken. In addition to all of the above, the user must be familiar with operating the image editing application, and operating the HTML publishing application.

In the present invention, the digital camera, as opposed to its user, creates the HTML file according to the user's preferences. The user does not need to download her pictures, import them into editing and HTML publishing applications, or format an HTML file. The user does not even need an PC. In stark contrast, the combination of Holzschlag and Parulski requires the user to follow several steps in creating web animation. In particular, the user is required to "create a series of individual graphics," "create a list that dictates the order in which these graphics . . . will appear," place the list and graphics "on the server," and somehow determine "the proper syntax" to be dropped into the HTML. (Holzschlag, pages 75-76). Holzschlag assumes the user is familiar with creating web pages, and that the user would know how to "create a list" and place the list and graphics on the server. Holzschlag's user appears to be a sophisticated and web saavy designer. In any event, Holzschlag teaches nothing more than what is generally described in the Background.

Quite simply, the combination of Holzschlag and Parulski does not teach or suggest a method for enabling a user to create automatically an Internet page description file by following

a series of prompts and instructions on a digital camera, as recited in claim 1. More specifically, Holzschlag fails to teach or suggest “displaying interactive instructions” to the user, “guiding” the user through a series of image captures, and automatically “generating an HTML file” on a hand-held digital camera.

Moreover, a combination of Holzschlag and Parulski fails to teach or suggest the method recited in claim 8, which discloses that a user can “load a script” into a digital imaging device for automatic HTML generation, and that the digital imaging device is capable of “executing” such scripts. Holzschlag and Parulski are silent as to coupling a digital camera to the Internet, and what's more, fail to teach or suggest how to couple a camera to the Internet. Accordingly, the combination fails to teach steps e) and f), of claim 8. Absent such teaching or suggestion, Appellant asserts that a combination of Holzschlag and Parulski fails to establish obviousness.

In view of the foregoing, Claims 1, 8, and 14 are allowable over the cited references. Claims 2-7, 10-13, and 15-20 depend on claims 1, 8, and 14 respectively. Therefore, the arguments above with respect to Holzschlag and Parulski apply with full force to Claims 2-7, 10-13 and 15-20. Accordingly Appellant respectfully requests that the Board reverse the final rejection of Claims 1-18 and 10-20.

D. Summary of Arguments

Holtzschlag in view of Parulski fails to teach or suggest a method and system enabling a user to create automatically an Internet page description file on a hand-held digital camera by following a series of prompts and instructions. Furthermore, the combination of Holtzschlag and Parulski fails to teach or suggest coupling the digital camera to the Internet and thereby making the HTML file available via the Internet. Accordingly, Holtzschlag in view of Parulski fails to

render obvious independent claims 1, 8 and 14, and the Examiner's final rejection should be reversed.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellant's APPENDIX A is attached on separate sheets following the signatory portion of this Appeal Brief.

This Brief is being submitted in triplicate, and authorization for payment of the required Brief fee is contained in the cover letter for this Brief. Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 01-0365.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stephen G. Sullivan', is written over a horizontal line.

Stephen G. Sullivan
Attorney for Appellants
Reg. No. 38,329
(650) 493-4540



IX. APPENDIX A

1. A method for generating an Internet page description file on a hand-held digital camera that references images captured by the hand-held digital camera, wherein the hand-held digital camera includes a display, the method comprising the steps of:

- a) displaying interactive instructions on the display that prompt a user to perform specific operations;
- b) in response to the user performing the specific operations, automatically updating the interactive instructions, such that the user is guided through a series of related image captures to obtain a series of resulting images; and
- c) generating an HTML (hypertext markup language) file referencing the resulting images, wherein the HTML file is formatted in accordance with a predefined model, such that a formatted HTML file is automatically generated by the hand-held digital camera.

2. The method of claim 1 wherein step b) further includes the step of providing the interactive instructions by externally loading a script into the hand-held digital camera.

3. The method of claim 1 wherein step b) further includes the step of providing the script as a text-based script.

4. The method of claim 1 wherein step c) further includes the step of executing the script by the hand-held digital camera interpreting the text-based script.



5. The method of claim 1 wherein step d) further includes the step of prompting the user specific information, and entering the specific information on a text entry screen.

6. The method of claim 1 further including the step of displaying the interactive instructions on a translucent overlay bar.

7. The method of claim 1 further including the steps of:

- d) coupling the hand-held digital camera to the Internet; and
- e) making the HTML file available via the Internet by hosting a web server application on the hand-held digital camera.

8. A method for generating an Internet page description file on a hand-held digital camera that includes a display, the method comprising the steps of:

- a) allowing a user to load a script onto the hand-held digital camera, the script comprising a set of program instructions;
- b) executing the script to display interactive instructions on the display that prompt a user to perform specific operations;
- c) in response to the user performing the specific operations, automatically updating the interactive instructions, such that the user is guided through a series of related image captures to obtain a series of resulting images;
- d) generating an internet page description file referencing the resulting images, wherein the internet page description file is formatted in accordance with a predefined model included in the script, such that a formatted internet page description file is automatically generated by the

digital imaging device;

- e) allowing the user to couple the hand-held digital camera to the Internet; and
- f) making the internet page description file available via the Internet by hosting a web server application on a computer system within the hand-held digital camera.

9. [CANCELLED].

10. The method of claim 8 wherein step a) further includes the step of providing the script as a text-based script.

11. The method of claim 10 wherein step b) further includes the step of executing the script by the computer system interpreting the text-based script.

12. The method of claim 11 wherein step c) further includes the step of prompting the user for specific information, and entering the specific information on a text entry screen.

13. The method of claim 12 wherein the internet page description file is a hypertext markup language file.

14. In a hand-held digital imaging device including a display, a system for generating a formatted document including text and images, comprising:

a set of program instructions which, when executed, cause the hand-held digital imaging device to perform the steps of:

- a) displaying interactive instructions on the display that prompt a user to perform specific operations;
- b) in response to the user performing the specific operations, automatically updating the interactive instructions, such that the user is guided through a sequence of the interactive instructions adapted to capture information from the user;
- d) transferring the information captured from the user to a formatted document, wherein the formatted document is formatted in accordance with a predefined model, such that the formatted document is automatically generated by the hand-held digital imaging device.

15. The system of Claim 14 wherein step a) further includes providing a sequence of interactive instructions for a directed image capture, wherein the program instructions prompt the user through a series of related image captures, resulting in a plurality of stored images.

16. The system of Claim 14 wherein step a) further includes the step of providing the program instructions as a text-based script, and wherein the hand-held digital imaging device guides the user through the sequence of interactive instructions by a computer system interpreting the text-based script.

17. The system of Claim 14, wherein the predefined model comprises a set of programming instructions which determine the formatted appearance of the document.

18. The system of Claim 16, wherein the predefined model is predefined in accordance with a particular purpose of the script such that the formatted document has an appearance in

accordance with the particular purpose.

19. The system of Claim 14, wherein the document is an internet page description file which defines a web page.

20. The system of Claim 19, wherein the hand-held digital imaging device is coupled to the Internet and the internet page description file is made available by a web server application executing on a computer system of the hand-held digital imaging device.